IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3216 of 2005

Between:

K. Ramesh Babu, S/o. Appa Rao,
Vidyadharapuram Depot, R/o. vijayawada, Krishna District.

... PETITIONER

AND

1 The Labour Court, Guntur, Rep. by its Presiding Officer.
2 The APSRTC Rep. by its Depot Manager, Nuzividu, Krishna district.
3 The APSRTC Rep. by its Depot Manager, Vidyadharapuram, Krishna district.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of CERTIORARI by calling for the records related to and in connection with the Award of the Labour Court in I.D.No. 43/1997, which was published in the gazettee vide G.O.Rt.No. 1772 dt. 23-9-2000 and to set aside the same in so far it went against to the petitioner in not granting the full wages and past service benefits with all benefits for the out of employment period as illegal, unjust, arbitrary and violate of principles of natural justice, contrary to the well established principles of law and consequently direct the respondents to pay full back-wages for the out of employment period with all other consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.S.M.SUBHAN

Counsel for Respondent No.1: GP FOR LABOUR

Counsel for Respondent Nos.2 and 3: MR.P.ADINARAYANA RAO

The Court at the admission stage made the following :

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ORDER:

Challenging the award in I.D.No.43 of 1997, dated 23-09-2000, passed by the 1st respondent, the present writ petition is filed.

For causing an accident on 05-05-1994 in a rash and negligent manner, a charge sheet has been issued to the writ petitioner. A departmental enquiry was conducted and in the enquiry, he was ordered to be removed from service. Challenging the same, the petitioner raised an Industrial Dispute in I.D.No.43 of 1997, where the Tribunal after considering the material available on record, set aside the order of removal dated 17-10-1994 and the respondents were directed to reinstate the applicant into service as fresh candidate without back-wages and without continuity of service. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contended that the writ petitioner has been acquitted in the criminal Court and he is entitled for reinstatement with continuity of service. Hence he prays to quash the same.

The manner of conducting enquiry is not disputed before this Court. It is not a case of violation of principles of natural justice. It is not a case of not allowing the

writ petitioner to adduce any evidence before the departmental proceedings. Simply because the petitioner was acquitted in the criminal Court, it does not mean that automatically he has to be exonerated from the charges in the departmental proceedings. If the evidence to be let in in both the cases is one and the same, then only the departmental proceedings have to be stopped till the culmination of the criminal case. Since the departmental enquiry is not challenged in any manner, the Presiding Officer taken a lenient view and ordered for reinstatement as a fresh candidate. Since the order under challenge does not suffer from any incurable legal infirmity so as to call for interference by this Court, the writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

23.02.2005

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vs

To

1 The Labour Court, Guntur, Rep. by its Presiding Officer.
2 The Depot Manager, APSRTC , Nuzividu, Krishna district.
3 The Depot Manager ,APSRTC, Vidyadharapuram, Krishna district.

4 2 CCs to G.P for Labor, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies